

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

KIRK WEBSTER,

Plaintiff,

v.

JAMES MATTIS,

Secretary of the Department of Defense,

Defendant.

Case No. 1:17-cv-1384 (TSE/IDD)

**DEFENDANT’S MOTION TO STAY DISCOVERY PENDING ADJUDICATION OF  
DEFENDANT’S MOTION TO DISMISS FOR LACK OF JURISDICTION**

Pursuant to Federal Rule of Civil Procedure 26(c), Defendant, James Mattis respectfully moves this Court to stay discovery in this matter pending the resolution of Defendant’s motion to dismiss Plaintiff’s complaint for lack of subject matter jurisdiction. The grounds for the motion are fully explained in the memorandum of law that has been filed simultaneously with this motion.

Dated: January 19, 2018.

Respectfully submitted,

DANA J. BOENTE  
United States Attorney

By: \_\_\_\_\_/s/\_\_\_\_\_

Rebecca S. Levenson  
Assistant United States Attorney  
Office of the United States Attorney  
2100 Jamieson Avenue  
Alexandria, VA 22314  
Tel: (703) 299-3760  
Fax: (703) 299-3983  
Email: Rebecca.s.levenson@usdoj.gov

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing<sup>1</sup> to the following:

Kirk E. Webster, Sr.  
43184 Gatwick Square  
Ashburn, VA 20147  
kirkewebster@aol.com

Date: January 19, 2018

By: \_\_\_\_\_/s/\_\_\_\_\_  
REBECCA S. LEVENSON  
Assistant U.S. Attorney  
2100 Jamieson Avenue  
Alexandria, Virginia 22314  
Telephone: (703) 299-3760  
Fax: (703) 299-3983  
Email: rebecca.s.levenson@usdoj.gov

*Counsel for Defendant*

---

<sup>1</sup> Pursuant to Mr. Webster's motion for pro se e-noticing (Dkt. No. 40) and this Court's order granting Mr. Webster e-filing (Dkt. No. 44), Mr. Webster has agreed to electronic service and agreed to waive mail service.